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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,689	10/17/2003	Toshiyuki Matsumura	KON-1831	9334
20311	7590	01/11/2005	EXAMINER	
MUSERLIAN, LUCAS AND MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016			ASHTON, ROSEMARY E	
			ART UNIT	PAPER NUMBER
			1752	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,689

Applicant(s)

MATSUMURA ET AL.

Examiner

Rosemary E. Ashton

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,8,9 and 13-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

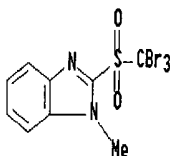
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,5,7,10,11,12 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwai et al. U.S. patent no. 5,885,746 with the dye maximum supported by Farber U.S. patent no. 4,119,776.

Iwai teaches a photosensitive resin composition comprising a polymer binder, an ethylenically unsaturated monomer and a photopolymerization initiator (PI) composition. The PI composition comprises an initiator and an acid generating compound wherein the acid generating compound is 1-methyl-2-tribromosulfone-benzimidazole (col. 6, lines 36-41), having the formula below.



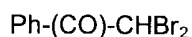
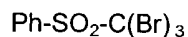
The formula meets the limitations of applicant's formulas in claims 1 and 5.

As shown in Ex. 8 in col. 16 the resin composition comprises 1. a binder, 2. a monomer, 4. a titanocene compound, 8. 1-methyl-2-tribromosulfone-benzimidazole and 7. a dye of Malachite green lactone (see ^{enclosed} CA reg. file formula and name). The dye has an absorption maximum at 427 nm as shown in Figure 3 of Farber U.S. patent no. 4,119,776.

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3. Claims 1,2,5 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 10153860.

The Derwent abstract of JP 10153860 teaches a photosensitive resin composition comprising a colorant, a polymer binder, a monomer and a photopolymerization initiator (PI) composition having a tribromomethyl phenylsulphone or a di or tribromomethyl phenylketone having the formulas below.



Allowable Subject Matter

4. Claims 3,4,6,8,9,13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach a photosensitive composition comprising the compounds or monomers claimed.

6. Claim 17 is allowed.

7. The following is an examiner's statement of reasons for allowance: The prior art does not teach a lithographic printing plate having a photosensitive layer composition of a polymer binder, an ethylenically unsaturated monomer, a photopolymerization initiator and a compound meeting the limitations of formula (1).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosemary E. Ashton whose telephone number is 571-272-1326. The examiner works a part-time work schedule and can normally be reached M-F between 11:30 am – 5:30 pm.

If multiple attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached at 571-272-1526.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rea
January 9, 2005



Rosemary E. Ashton
Primary Examiner
Art Unit 1752

**ROSEMARY ASHTON
PRIMARY EXAMINER**